

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 21 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROBERT EMERT,

Plaintiff - Appellant,

v.

ANDREA SCHUCK; et al.,

Defendants - Appellees.

No. 24-5856

D.C. No.

3:24-cv-00002-AGS-AHG

Southern District of California,
San Diego

ORDER

When the notice of appeal was filed, a timely motion listed in Federal Rule of Appellate Procedure 4(a)(4) was pending in the district court. Appellate proceedings are therefore held in abeyance until the district court decides the pending September 10, 2024 motion. *See* Fed. R. App. P. 4(a)(4); *Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994) (notice of appeal becomes effective when timely tolling motions resolved).

To challenge the district court's ruling on the motion, appellant must file an amended notice of appeal within the time set by Federal Rule of Appellate Procedure 4.

The Clerk will serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT